

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

\* \* \* \* \*

In The Matter of Charges and )  
)  
Complaint Against )  
)  
FRIEDA HULKA, M.D., )  
)  
Respondent. )

Case No. 09-12831-1

FILED

JUN 30 2009

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Ms. Jean Stoess, M.A., and Benjamin J. Rodriguez, M.D., by and through Edward Cousineau, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Frieda Hulka, M.D., hereinafter referred to as "Respondent," has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is licensed in active status to practice medicine in the state of Nevada, and at all times alleged herein, was so licensed by the Nevada State Board of Medical Examiners, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Patient A was a sixty-year-old male at the time of the events at issue. His true identity is not disclosed herein to protect his privacy, but is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

3. Patient A was consulted by Respondent, at Washoe Medical Center, on December 23, 2003, for complaints of abdominal pain. Patient A had a past medical history of a gastrectomy, cholecystectomy, and jejunostomy feeding tube placement. Additionally, Patient A was receiving on-going pain management therapy, as well as anticoagulant (Plavix) and aspirin

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1 therapy. After consultation, it was determined by Respondent that a biliary stent that had been  
2 placed in Patient A during a previous surgical procedure had become infected.

3 4. In response to infection in Patient A, on December 29, 2003, Respondent  
4 performed an exploratory celiotomy, lysis of adhesions, side to side choledochoduodenostomy and  
5 placement of a jejunal feeding tube. The surgical procedure was without incident according to  
6 medical records and Patient A was transferred to a general surgical recovery room thereafter.

7 5. Contemporaneous with this arrival to the recovery room Patient A was showing  
8 signs of pain and agitation. Respondent was alerted to the circumstance and in response ordered  
9 30mg of Morphine over a thirty minute period, as well as 1mg of Ativan, for Patient A.  
10 Approximately one hour later, Patient A was found to be in respiratory arrest and was transferred  
11 to the hospital's Intensive Care Unit. There it was determined that Patient A was comatose and  
12 neurologically brain dead.

13 6. Patient A expired officially on December 31, 2003. The coroners report indicated  
14 the cause of death as multisystem organ failure following hypoxic cardiac arrest due to morphine  
15 intoxication.

16 7. Section 630.301(4) of the Nevada Revised Statutes provides that malpractice,  
17 defined as the failure to use the reasonable knowledge, skill and expertise ordinarily used in  
18 similar circumstances, is grounds for discipline.

19 8. Respondent committed malpractice in the course of providing care and treatment to  
20 Patient A and is subject to discipline by the Nevada State Board of Medical Examiners as provided  
21 in NRS 630.352.

22 **WHEREFORE**, the Investigative Committee prays:

23 1. That the Nevada State Board of Medical Examiners fix a time and place for a formal  
24 hearing;

25 2. That the Nevada State Board of Medical Examiners give Respondent notice of the  
26 charges herein against him, the time and place set for the hearing, and the possible sanctions against  
27 him;  
28

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners  
1105 Terminal Way #301  
Reno, Nevada 89502  
(775) 688-2559

1           3.       That the Board determine what sanctions it deems appropriate to impose for the  
2 violation committed by Respondent; and

3           4.       That the Board make, issue and serve on Respondent its findings of facts,  
4 conclusions of law and order, in writing, that includes the sanctions imposed.

5  
6           DATED this 30<sup>th</sup> day of June, 2009.

7  
8  
9           By: \_\_\_\_\_

Edward Cousineau  
Attorney for the Investigative Committee of the  
Nevada State Board of Medical Examiners

## VERIFICATION

STATE OF NEVADA           )  
                                      : ss.  
COUNTY OF DOUGLAS    )

Charles N. Held, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 30<sup>th</sup> day of June, 2009.



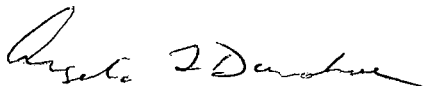
Charles N. Held, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 30<sup>th</sup> day of June 2009, I served a file copy of the COMPLAINT, a copy of the PATIENT DESIGNATION and a original copy of the SETTLEMENT, WAIVER AND CONSENT AGREEMENT along with fingerprinting information by mailing via USPS certified return receipt to the following:

Frieda Hulka, M.D.  
75 Pringle Way, Ste. 1002  
Reno, NV 89502

Dated this 30<sup>th</sup> day of June 2009.



Angelia Donohoe  
Legal Assistant